



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,239	02/05/2002	Terrence John O'Neill	77017-9005-01	7695

23409 7590 04/24/2007  
MICHAEL BEST & FRIEDRICH, LLP  
100 E WISCONSIN AVENUE  
Suite 3300  
MILWAUKEE, WI 53202

EXAMINER
----------

GOODWIN, JEANNE M

ART UNIT	PAPER NUMBER
----------	--------------

2833

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/068,239

Applicant(s)

O'NEILL, TERRENCE JOHN

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event; however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-29, 31-35 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-29 and 37-41 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 1, 8 and 31-35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: “a protrusion” as stated in claim 2. Perhaps, “a protrusion” should be replaced by --a projection--, as stated throughout the disclosure.

### *Claim Rejections - 35 USC § 102*

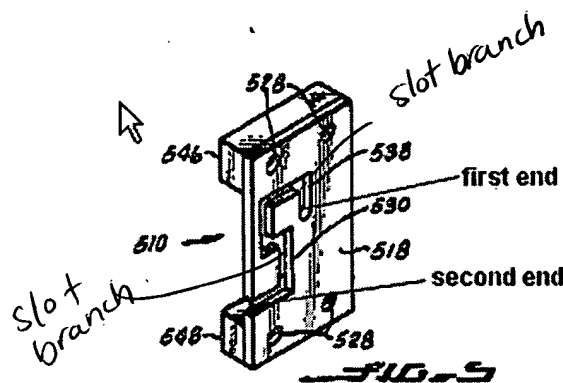
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4,190,221 to Updike.

**With respect to claim 1:** Updike discloses a hanger for supporting a device, the hanger comprising a housing having a face positioned substantially vertically; and a nonlinear (not in a straight line, The American Heritage Dictionary of English Language, Fourth Edition, 2000) slot cut into the face, the slot having a first end and a second end, the first end being closed and the second end being opened (see figure below).



**With respect to claim 2:** Based upon the Applicant's figures, Updike's discloses a hanger, wherein the hanger includes a protrusion/pin (12) movable along the slot, wherein movement of the protrusion/pin (12) along the slot from the second end toward the first end is substantially unimpeded, and wherein during movement of the protrusion/pin (12) along the slot from the first end toward the second end, the protrusion/pin (12) is selectively movable along the slot branches slot branches to impede movement of the protrusion/pin (12) along the slot toward the first end (abstract and col. 3, lines 23-68).

**With respect to claim 3:** Updike's slot has a substantially constant width (see figure above).

**With respect to claim 4:** Updike's slot makes at least one change of direction of greater than 45 degrees (see figure above).

**With respect to claim 6:** Updike discloses a device (picture frame 16) comprising a front face, the front face inherently including a display, a back face opposite the front face, the back face lying in a substantially vertical plane; and the top hanger formed on the back face, the top hanger including a substantially vertical hanger face and a nonlinear top slot forming in the hanger face, the hanger face at least partially defining a receiving area, the top slot having a substantially constant width and a first, closed end and a second, opened end, the second end

Art Unit: 2833

opening into a top receiving area which at is least twice as wide as the top slot (see Fig. 2, below). Furthermore, the recitation that an electronic device for mounting has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *See Kropa v Robie*, 88 USPQ 478 (CCPA 1951).

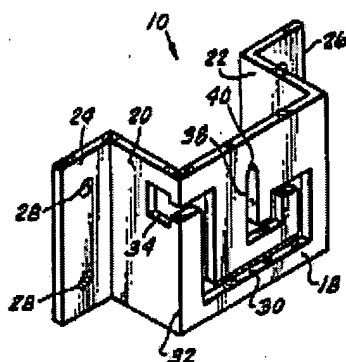


FIG. 1

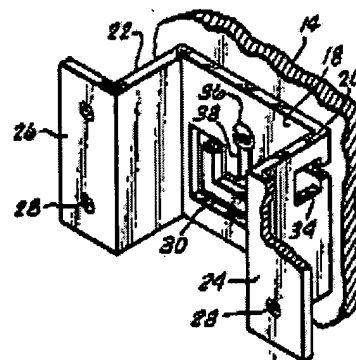


FIG. 2

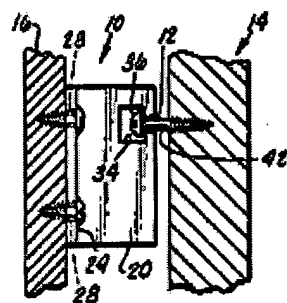


FIG. 3

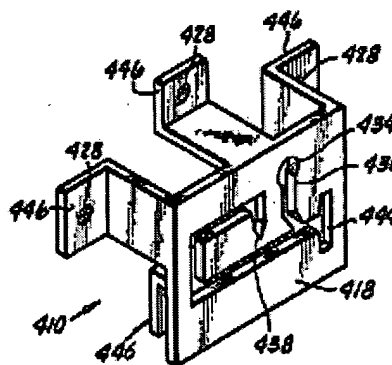


FIG. 4

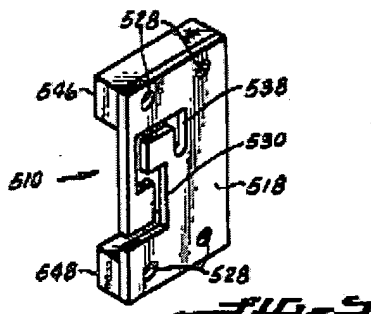


FIG. 5

### Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2833

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Updike.

**With respect to claim 5:** Updike discloses a hanger for supporting a device, the hanger comprising a face lying in a substantially vertical plane positioned substantially vertically and at least partially defining a receiving area, a substantially vertical slot cut into the face, the slot having a first end and a second end, the first end being closed and the second end opening into the receiving area, and at least one substantially vertical slot branch extending from the slot at right angle and having a closed end, the at least one slot branch having a substantially constant width that is substantially the same as the width of the slot (see Figs. 1 and 3, above). Regarding the slot branch extending from the slot at an acute angle, this limitation, absent any criticality, is only considered to the “preferred” angle that a person having ordinary skill in the art at the time the invention was made using routine experimentation would have found obvious to provide for the slot branch used by Updike to form obstruction since it has been held to be a matter of obvious design choice and within the general skill of a worker in the art to select a known angle on the basis of suitability for the intended use of the invention.

***Allowable Subject Matter***

6. Claims 7-13, 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 14-17, 19-29, 37-41 allowed.

***Response to Arguments***

8. Applicant's arguments filed Oct. 18, 2006 have been fully considered but they are not persuasive.

**Regarding argument on page 20, lines 14-18:** Regards to Updike failing to teach or suggest a hanger including, among other things, a slot having a first end and a second end and slot branches diverging from the slot and terminating in closed ends, contrary to Applicant's belief, Updike does in fact disclose in another embodiment, Fig. 4, slot branches/blind branch diverging from the slot and terminating in closed ends (col. 4, lines 3-10).

**Regarding argument on page 20, lines 19-23:** Regards to Updike failing to include a nonlinear slot cut into the face, the slot having a first end and a second end, the first end being closed and the second end being opened, contrary to Applicant's belief, Updike's Fig. 5 discloses such arrangement.

**Regarding argument on page 21, lines 19-22:** Regards to Updike failing to teach or suggest a hanger including a face lying in a substantially vertical plane positioned substantially vertically and at least partially defining a receiving area, contrary to Applicant's belief, Updike's Fig. 5 illustrates a hanger including a face lying in a substantially vertical plane positioned substantially vertically and at least partially defining a receiving area.

**Regarding argument on page 21, lines 23-29 and page 22, lines 1-9:** Regards to Updike failing to teach or suggest a hanger including a substantially vertical slot cut into the face and at least one substantially vertical slot branch extending from the slot an acute angle see paragraph 4 above.



**Regarding argument on page 22, lines 10-13:** Regards to Updike failing to teach or suggest an electronic device including a front face, the front face including a display (see paragraph 3, above).

***Conclusion***

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.



JMG  
Feb. 4, 2006

VIT MISKA  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2800